

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201110181
Issue No.: 2006; 4003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 7, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 7, 2011. The Claimant appeared with his mother, [REDACTED], and both testified. [REDACTED], Medical Contact Worker appeared on behalf of the Department. \

ISSUE

Was the Department correct in closing Claimant's MA and SDA cases for failing to appear for a medical appointment?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was an ongoing SDA and Medicaid recipient.
- (2) Claimant was scheduled for a medical appointment for October 5, 2010.
- (3) Notice of the Medical appointment was sent to Claimant on September 21, 2010.
- (4) Claimant did not receive the notice of medical appointment.

- (5) The Department determined that Claimant had a \$1345 Medicaid deductible.
- (6) Claimant requested a hearing on November 6, 2010 contesting the denial of his Medicaid application.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Client Cooperation The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer when they need your help to obtain it. Such help includes the following:

- Scheduling medical exam appointments.
- Paying for medical evidence and medical transportation See [BAM 815](#) and [BAM 825](#) for details.

A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. (BEM 260).

In the present case, Claimant credibly testified that he did not receive notice of the medical appointments, and that if he had, he would have appeared for the appointment. Claimant's mother also credibly testified that she would have made sure Claimant appeared for his medical appointment had she been aware of the appointment. This Administrative Law Judge cannot find that Claimant refused to appear for his medical appointment. Therefore closure of Claimant's SDA and MA cases was improper and incorrect. (BEM 260).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was incorrect in the closure of SDA and MA benefits, and it is ORDERED that the Department's decision in this regard be, and is, hereby REVERSED. Claimant's SDA and MA shall be reinstated as of the date of

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closure and new medical appointments shall be scheduled.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 17, 2011

Date Mailed: February 17, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

AM/hw

cc:

